



**GEORGIA SOUTHERN**  
UNIVERSITY

## Faculty Grievance Policy

Area:	Division of Academic Affairs	Number:	
Applies to:	Division of Academic Affairs	Issued:	March 3, 2014
Sources:	BOR Policy Manual; BOR HRAP; University Statutes	Revised:	January 28, 2019
		Reviewed:	
Policy Owner:	Provost and Vice-President for Academic Affairs	Page(s):	6

### I. Purpose

The Faculty Senate is responsible for determining the Faculty Grievance procedures and submitting them for Senate and presidential approval.

### II. Policy Statement

Conflict is a normal aspect of university life, arising over many issues: competition for limited resources; insufficient information, misinformation, and misunderstandings; or differences in interests, personality, and perspectives. At times conflict can be positive, and its resolution can result in better ideas or modes of operation. Unresolved conflict, however, can grow into more serious disputes. Georgia Southern University encourages resolution of conflicts at their source—between two persons. A situation that escalates to the point of filing a formal grievance involves many more people and becomes far more costly in time, relationships, and money.

#### Alternative Dispute Resolution

As methods of dispute resolution, Georgia Southern offers two alternative procedures:

1. Informal Conciliation: The aggrieved faculty member shall first seek redress in consultation with his or her department chair or equivalent. If the grievance is not resolved at the department level, he or she shall then seek redress in consultation with the dean of the appropriate college.
2. Mediation: In mediation, the two disputing parties negotiate in the presence of a trained, neutral third party who has no power and no role in deciding what to do. The disputing parties decide the course of action that will reduce their conflict. The mediator facilitates the mediation process and may assist communication by restating and clarifying each person's concerns and interests. Mediation is voluntary and confidential. Agreements between disputing parties are binding only by choice. The issues negotiated must be within the power of the disputing parties to resolve.

Mediation is appropriate in at least three circumstances: (1) two parties cannot work together because of a dispute; (2) work performance is negatively influenced by a dispute; and/or (3) one party complains about another party's action/decision. Mediation has the potential to increase or improve communication between parties; to assist parties in looking at issues and deciding whether either person may expect the other to resolve an issue; to clarify the issues or source of the conflict leading to the best way to approach a resolution; and to result in a mutually satisfying resolution that improves the work environment.

Faculty may elect to follow the formal Grievance Procedure.

#### Faculty Grievance Procedures

Should informal conciliation or mediation prove unfruitful or inappropriate, the University has established the Faculty Grievance Committee (*Statutes*, Article IV, § 4). Faculty are not defined as classified employees according to the Board of Regents *Human Resources Administrative Practice Manual: Classification, Compensation, and Payroll*. The committee's purpose is to conduct inquiries into faculty grievances and to make recommendations. It is not to create policy. These procedures shall be subject to and consistent with the *Faculty Handbook* and the *Statutes* of Georgia Southern University, unless superseded by the written *Bylaws* and policies of the Board of Regents of the University System of Georgia. The chair of the Faculty Grievance Committee will be notified within 15 days of receipt of said changes by the appropriate administrator of Georgia Southern University.

#### A. GRIEVANCE COMMITTEE PURPOSE AND JURISDICTION

1. There shall be a standing Faculty Grievance Committee to which all members of the faculty shall have access. The Faculty Grievance Committee shall have the authority to conduct inquiries into faculty grievances and to present to the responsible administrator its recommendations. The intent is to provide fair procedures to all parties to the grievance. All parties should enter the proceedings in good faith.
2. With the exception of the circumstances mentioned in items 3, 4, 5, and 6, a grievance may be filed for any reason.
3. Grievances against the president must be pursued at the Board of Regents level and not through the Faculty Grievance Committee. Matters resolved by the Board of Regents shall not be in the purview of the Faculty Grievance Committee (*Section 6.26, Application for Discretionary Review, Board of Regents Policy Manual*).
4. Complaints alleging discrimination, harassment, or retaliation on the basis of sex, race, religion, national origin, disability, age, sexual orientation, veteran status, or other "protected class" basis cannot be pursued through the Faculty Grievance Committee, but must be pursued through the Office of Equal Opportunity & Title IX. If a satisfactory solution is not reached, the faculty member may pursue the action privately through other legal means.
5. Grievances involving nonrenewal of contracts or denial of tenure or promotion shall be appropriate for the consideration of the Grievance Committee only if the complaint alleges violations of published written procedures and/or criteria available to all faculty members, harassment (except as specified in item 4), retaliation (except as specified in item 4), or denial of academic freedom.
6. While salary issues may be collateral to many grievances, salary disputes based on disagreement over qualitative judgments are not in the purview of the Faculty Grievance Committee; such concerns may be pursued via the relevant department chair, dean, and the provost. Grievances directly involving salary are appropriate for consideration by the Faculty Grievance Committee only if the complaint alleges violations of established practices, procedures, and/or criteria.

#### B. COMPOSITION OF FACULTY GRIEVANCE COMMITTEE

1. Any non-temporary, full-time faculty member who will have completed a minimum of three years as a full-time faculty member at Georgia Southern at the time of assuming membership on the committee is eligible for election.

2. The Faculty Grievance Committee shall consist of 45 members, with the colleges and the libraries represented in the following proportions:

Membership Apportionment	45	Campus		
		Statesboro	Armstrong	Liberty
Arts and Humanities	6	4	2	
Behavioral and Social Sciences	6	4	2	
Science and Mathematics	6	4	2	
Education	6	4	2	
Business	5	4	1	
Health Professions	5	3	2	
Engineering and Computing	4	3	1	
Public Health	3	2	1	
Libraries	3	2	1	
Liberty Representative	1			1

In addition, a single representative will be chosen from among those teaching on the Liberty Campus.

3. The term of membership shall be two years. An individual may be re-elected to an unlimited number of successive terms. Terms of membership shall begin and terminate on August 1<sup>st</sup>.
4. At the end of each year of service, vacancies in the elected contingent from each college and the libraries shall be filled by electoral procedures as determined by the college or libraries.
5. If a grievance is unresolved on August 1<sup>st</sup> and continues into the next academic year, any committee member whose term should end on August 1<sup>st</sup> shall continue to serve for that particular case until the committee has made a recommendation as outlined in these procedures.
6. Annually, at the earliest convenient time following August 1<sup>st</sup>, the elected members of the committee shall select a chair from among their membership. The committee chair votes only in the event of a tie.
7. The elected chair shall communicate to the Provost and Vice-President for Academic Affairs the name of the chair following each annual election, and the Provost and Vice-President shall send an announcement of the name of the chair to each member of the faculty of the University.

### C. CONFLICTS OF INTEREST

A conflict between the private interests of an individual and the official responsibilities of that individual when in a position of trust creates a conflict of interest that must be avoided to ensure fair and impartial treatment of complainants and respondents alike.

1. Conflicts of interest include, but are not limited to, the following:
  - a. A complainant or respondent is in a committee member's college.
  - b. Someone brings a grievance against a committee member's department chair, division director, or interim department chair.
  - c. A member of the family of a committee member brings a complaint or is named in a complaint.
  - d. There is another professional or personal reason that might impair or appear to impair a committee member's impartiality.
2. Any elected member of the grievance committee with a conflict of interest shall not serve on the committee for that grievance. The chair will contact elected committee

members immediately to determine whether they perceive a conflict in a particular case. The chair will determine the validity of conflicts.

3. If the grievance committee chair has a conflict of interest, with committee approval, he or she will appoint a replacement to serve as chair for that case only. This shall be done prior to the convening of the initial hearing.
4. If a grievance committee member is a complainant in, or a respondent to, a grievance, he or she shall resign from the committee for the remainder of his or her term.
5. Conflicts of interest may also arise for the administrator charged with receiving and acting upon Faculty Grievance Committee reports. If the highest-ranked named respondent is subordinate to the provost, the provost shall be the responsible administrator; if the provost is a named respondent, the president shall be the responsible administrator.
6. During a grievance procedure, all members of the Faculty Grievance Committee must avoid *ex parte* communication or other means of creation of conflicts of interest during contacts with any involved party and must not discuss the grievance with anyone except other members of the committee or the responsible administrator.

#### D. CONFIDENTIALITY AND OPEN RECORDS PROCEDURES

Grievance Committee records are subject to the Georgia Open Records Act, O.C.G.A., section 50-18-70 et. seq. All identifying information presented will be kept confidential to the extent permitted by law.

1. All plenary sessions of the Faculty Grievance Committee concerning a grievance shall be audio- recorded. When the recording begins, the committee chair will identify all who attend that session. These recordings and any personal notes are for the use of the Faculty Grievance Committee only for duration of the grievance process and appeal process and then will be destroyed.
2. Open Records procedures are as follows.
  - a. The Faculty Grievance Committee chair, or his/her designee, and the University's designated Open Records custodian shall arrange the examination and copying of records.
  - b. Conditions under which the complainant(s) or respondent(s) examines the records shall be such that they reasonably respect privacy while complying with the law.

#### E. INITIATING FORMAL PROCEEDINGS

If earlier efforts to obtain redress have been unsuccessful, prior to considering the complaint, the responsible administrator will meet with the complainant and the chair of the Faculty Grievance Committee (or a member of the Faculty Grievance Committee designated by the chair). The purpose of this meeting will be to establish the path to be followed to resolve the complaint. It will then be the faculty member's decision to follow one of the following courses.

1. If the complainant does not desire to have the complaint reviewed by the Faculty Grievance Committee, then the responsible administrator will act on it.
2. If the complainant chooses to have the Faculty Grievance Committee hear the complaint, he or she shall bring the matter to the chair of the committee. To receive a hearing by the Faculty Grievance Committee, the faculty member must (a) make a written request for a hearing within four weeks of meeting with the responsible administrator and the chair of the Faculty Grievance Committee, and (b) present to the chair a signed and notarized written statement of complaint which includes the following information:
  - a. Name of complainant.
  - b. Name of person(s) against whom the complaint is made A listing and description of the complaint.
  - c. The redress sought.

#### F. *INITIAL HEARING*

1. On receipt of the request for a hearing, the Faculty Grievance chair will convene a meeting of a minimum of eight members to form a plenary session of the full committee. This meeting shall be scheduled in writing. This document shall state the date and time of the meeting and the nature of the grievance.
2. When the plenary committee meets, the aggrieved faculty member will appear in person to present the grievance. All members of the plenary committee (see *F1*) must attend this session (subject to substitutions for conflicts of interest noted above).
3. After presenting the grievance and answering such questions as the committee members think appropriate, the aggrieved faculty member will retire, and the plenary session shall discuss the matter and vote to determine whether the grievance is a matter appropriate to its further inquiry. A majority vote of the plenary session of the full committee is necessary for further inquiry into the grievance.
4. In those cases in which it appears essential to the questions at issue, the committee may make the acceptance of a case contingent upon permission from the aggrieved faculty member to allow access by the committee to the faculty member's personnel files and pertinent records. Such permission will be given in writing within five working days of receiving the letter notifying him or her that the committee has decided to investigate the complaint.
5. If the Faculty Grievance Committee determines that the matter is appropriate to its further inquiry, the committee, through the chair, shall inform the faculty member, the respondent(s), and the responsible administrator of this decision in writing. The letter to the aforementioned interested parties will include a listing and description of the complaint(s) being investigated, the redress sought by the complainant, and a statement of the reasons the complaint(s) is (are) appropriate for the committee to investigate.
6. If the Faculty Grievance Committee does not find the grievance to be appropriate for its further inquiry, then the committee, through the chair, shall inform the aggrieved faculty member and the responsible administrator of this decision in writing.

#### G. *INVESTIGATION*

1. If the committee determines that its assistance is warranted, the chair shall appoint a three- member investigative panel from among the membership of the plenary session to assume responsibility for the case.
2. The aggrieved faculty member and the respondent(s) may each exercise peremptory challenges of up to two members of the panel. Such challenges must be made in writing within five working days of receipt of the letter notifying them of the composition of the panel. Panel members so challenged shall be removed from the panel and replaced by the chair from among the remaining members of the committee.
3. When duly constituted, subsequent to challenges, the panel shall select one of its members to serve as chair; all interested parties will be informed in writing of the names of the members of the investigative panel.
4. Only the three members of the investigative panel shall conduct the investigation. Whenever possible, all three shall attend every interview related to the investigation. Under no circumstance will only one of them conduct an interview.
5. The panel shall have cooperation from administrators involved in the grievance and access to pertinent public-domain documents and other data sources. Respondents shall make themselves available in a timely manner to the investigative panel for interviews. If written permission has been granted by the faculty member, the panel shall also have access to the personnel files about the aggrieved faculty member which are in the possession of members of the administration.

6. Under normal circumstances, the panel shall complete its work within three calendar months of the plenary session (see *F* above). The Faculty Grievance Committee will determine what constitutes normal circumstances. The procedures of the panel will not be interrupted or terminated other than by majority vote of the plenary session of the full committee hearing the grievance, with a listing and description of the reason(s) for this decision supplied in writing by the Faculty Grievance chair to all parties to the grievance; or by mutual agreement, in writing, between respondent(s) and complainant(s), which agreement will be forwarded in writing to all parties to the grievance by the chair of the Faculty Grievance Committee.

#### H. *FINAL REPORT*

1. The investigative panel shall report the results of its inquiries to a plenary session of the full committee hearing that grievance. A quorum must be present to vote.
2. Upon reading the panel's report and hearing the panel's recommendation, the plenary session of the full committee will discuss the report and vote to:
  - a. accept the panel's recommendation, or
  - b. reject it in favor of an amended recommendation, or
  - c. request additional information.Either action (a) or (b) requires a majority of affirmative votes of the plenary session of the full committee. If neither (a) nor (b) receives a majority of affirmative votes, the full committee will request additional information. Only members present may vote. No proxy votes are accepted.
3. The plenary session shall prepare its recommendation for appropriate action in the case and the chair of the committee and the chair of the investigative panel shall communicate this recommendation orally and in writing to the responsible administrator.
4. The two chairs shall prepare for the aggrieved faculty member a letter indicating the committee's recommendation and the reasons for that recommendation. The letter will not include confidential information gathered during the investigation. The letter shall be given to the aggrieved faculty member in the presence of the members of the investigative panel and the chair of the Faculty Grievance Committee, unless the chair determines that there is a reason to involve the entire committee. The chair of the committee shall send a copy to the responsible administrator. Within 30 working days, the responsible administrator will provide to the aggrieved faculty member and the Faculty Grievance Committee a written report that details what action(s), if any, the University will take in response to the recommendations made and the reasons for the University's action(s) or inaction, including details of any claimed extenuating circumstances.
5. If dissatisfied with the subsequent action of the responsible administrator, the aggrieved faculty member may appeal that recommendation to the president in writing within 30 working days, and if resolution is not achieved, the decision can be appealed to the to the Board of Regents' Legal Affairs Office pursuant to *Section 6.26, Application for Discretionary Review, Board of Regents Policy Manual*.